

**DEVELOPMENT PERMIT REQUEST  
KAL 17-017: ALOHA SOLAR ENERGY FUND II**

January 18, 2018

**I. REQUEST**

Aloha Solar Energy Fund II, LLC (Applicant) is requesting a Planned Development Permit to construct a 5-megawatt photovoltaic utility installation on Tax Map Key (TMK): 9-1-013:070 and an approximate 1.78-mile long 12 kV interim electrical distribution line located on a 30-foot-wide portion of right-of-way along the eastern edge of Coral Sea Road that borders TMKs: 9-1-013:039, 040, 043, 044, 072, 099, and 100 (Project). The Project site is 44.28 acres in size. The Hawaii Community Development Authority (HCDA) is the landowner and has provided authorization for the Project.

**II. COMPLETENESS REVIEW, AUTOMATIC APPROVAL AND FILING FEES**

Pursuant to Hawaii Administrative Rules (HAR) §15-215-83 Completeness Review, the Development Permit Application was deemed complete on December 13, 2017. Pursuant to HAR §15-215-84, Automatic Approvals, the Development Permit Application will be deemed automatically approved if no decisions are made by the HCDA granting or denying approval within 120 days from the date of the public hearing notice. The public hearing notice was published on December 13, 2017 making the automatic approval date April 12, 2018. In a letter dated December 13, 2017, the Applicant was informed that the submitted application for the Project was complete, and also notified of the automatic approval date.

Records indicate that all filing fees have been paid in accordance with the provisions of HAR §15-215-91, Fee Schedule.

The Development Permit Application is provided as Exhibit A. A Certificate of Completeness for the Development Permit Application is provided as Exhibit B.

**III. PUBLIC HEARING NOTICE AND COMMUNITY OUTREACH**

In accordance with Hawaii Revised Statutes (HRS) §206E-5.6, the public hearing notice for the Project was published in the Honolulu Star-Advertiser, The Garden Island, West Hawaii Today, Hawaii Tribune-Herald and Maui News on December 13, 2017. In accordance with HRS §206E-5.6, the President of the Senate and the Speaker of the House of Representatives were notified upon posting of the public hearing notice. In addition, various elected officials; State and County agencies; the Ewa, Nanakuli-Maili and Makakilo/Kapolei/Honokai Hale Neighborhood Boards; the U.S. Coast Guard Air Station Barbers Point; Commander Navy Region Hawaii; U.S.

Veterans Cloudbreak; and the State of Hawaii Department of Education were also notified of the public hearing. The public hearing notice was provided to approximately 120 individuals and organizations that have requested that they be kept informed of development activities in the districts under the HCDA jurisdiction. A copy of the Notice of Public Hearing is provided as Exhibit C. In accordance with the provisions of HRS §206E-5.5, the Applicant has also notified both owners and lessees of record of real property within a three hundred-foot radius of the Project perimeter.

The deadline for filing for intervention was January 2, 2018, and the HCDA did not receive any request for intervention by the filing deadline.

#### **IV. COMMUNITY OUTREACH**

The ASEF II Project team has conducted meetings with key community stakeholders, including agencies, organizations, elected officials and individuals through the HRS Chapter 343 process, the HRS §6E historic preservation consultation process and HCDA's Development Permit process.

As part of the HRS Chapter 343, State Environmental Review Process, 78 parties were provided an opportunity to comment, with 17 formal comment letters received through the public review process. The Applicant consulted the following government agencies, private entities and individuals for review and comment:

##### Federal

- Federal Aviation Administration
- Naval Facilities Engineering Command
- US Coast Guard, 14<sup>th</sup> Coast Guard District
- US Fish and Wildlife, Pacific Islands Fish and Wildlife Office
- US Geological Survey

##### State of Hawaii

- Department of Hawaiian Home Lands
- Department of Health
- Department of Land and Natural Resources, Oahu Island Burial Council
- Department of Land and Natural Resources, State Historic Preservation Division
- Department of Transportation, Airports Division
- Department of Transportation, Highways Division
- Hawaii Air National Guard
- Office of Hawaiian Affairs
- Office of Planning, Coastal Zone Management Program
- State Senator Mike Gabbard

City

- City and County of Honolulu, Department of Planning and Permitting
- Councilmember Kymberly Marcos Pine
- Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34

Utility Companies

- Hawaiian Electric Company
- Gas Company
- Pural Water Specialties Co., Inc.
- Hawaiian Telcom

Private Organizations and Individuals

- Ahahui Siwila Hawaii o Kapolei
- Hoakalei Cultural Foundation
- Kalaeloa Advisory Team
- Kalaeloa Community Network
- Kalaeloa Heritage Park/Kalaeloa Heritage and Cultural Foundation
- Kalaeloa Public Safety Group
- Kanehili Cultural Hui
- Naval Air Museum, Barbers Point
- State Recognized Cultural Descendants to two burials (27)

As part of HCDA's Development Permit submittal, the Applicant provided an opportunity for members of the four Kalaeloa Advisory Groups to participate in informational meetings on August 24, 2017 and November 16, 2017. The ASEF II Project team presented the Project to the Makakilo/Kapolei/Honokai Hale Neighborhood Board on October 25, 2017. The ASEF II Project team also provided project updates in the form of in-person briefings, emails and phone conversations with the offices of Senator Mike Gabbard and Councilmember Kymberly Marcos Pine.

**V. FEDERAL AVIATION ADMINISTRATION (FAA) REVIEW**

In June 2017, an FAA Form 7460-1 (2-12) Notice of Proposed Construction or Alteration was submitted to the FAA for its review of each of the proposed structures to ensure that the project does not interfere with protected air space around the Kalaeloa Airport, interfere with its radar operations, or create a potential glare hazard.

The FAA Southwest Regional Office issued a Determination of No Hazard to Air Navigation in August 2017 for all proposed structures identified in the project plans. See Exhibit A, Determination of No Hazard to Air Navigation Power Lines 1 - 37.

## **VI. STATE HISTORIC PROPERTY REVIEW**

Pursuant to HRS §6E-8, the HCDA is required to advise the SHPD, DLNR, of any project which may affect historic property, aviation artifacts, or a burial site (collectively, historic properties), and prior to HCDA's approval of a permit for the Project, allow SHPD the opportunity for review and comment on the effect of the proposed Project on historic properties.

The HCDA has received written documentation from SHPD confirming that the Applicant has complied with the requirements of HRS §6E-8 and HAR §13-276-5. Copies of the above-listed memorandums to the DLNR and the written confirmation from SHPD are provided as Exhibit D.

## **VII. HRS CHAPTER 343, ENVIRONMENTAL REVIEW PROCESS**

Pursuant to HRS Chapter 343, Environmental Review Process, the Applicant has prepared an Environmental Assessment for the subject Project. On October 9, 2017, the HCDA transmitted a Notice of Determination to the Office of Environmental Quality Control (OEQC) with a Finding of No Significant Impact for the subject Project, along with the Final Environmental Assessment. The Notice of Determination was published in The Environmental Notice on October 23, 2017. See Exhibit E.

## **VIII. PROJECT DESCRIPTION**

The Applicant is proposing to develop a 5 megawatt renewable energy photovoltaic (PV) system with an approximately 1.78 mile-long 12 kilovolt interim electrical distribution line that will connect to the main Hawaiian Electric Company's (HECO) grid. The Project will utilize 22 acres of the 44.28-acre site, with the remainder of the parcel to remain as open space with a designated portion to become a permanent archaeological preserve.

The Project proposes the installation of approximately 23,500 72-cell PV modules mounted on elevated galvanized steel racks, which will be mounted to posts or piers. Pending favorable results from a future geotechnical investigation, the piers are expected to be driven or screwed directly into the soil to a depth ranging between 6 and 9 feet. If soils are not favorable for direct driven piers, it is expected that the piers will be mounted by a method involving drilling holes, placing back the native soil and compacting it and then driving the piles. The PV modules will be bolted to the racking at a fixed tilt of 10 degrees facing south. Once mounted, the lowest end of the racked modules will be approximately 4 feet 10 inches above ground level with the highest end not exceeding 7 feet above ground level. For all subsurface work, the

Archaeological Monitoring Plan will govern how the work will be carried out in consideration of protecting known and possibly unknown historic resources.

Other structures include a sub-station that will collect the combined power from the inverter/transformers stations and transfer it to HECO distribution line. The sub-station will be located in a gravel area approximately 75 feet wide by 75 feet deep. See Exhibit A, Figure 7, PV System Plan.

Access to the parcel will be from a driveway off Coral Sea Road. The gravel driveway will lead to an internal gravel maintenance road that varies between 12 feet to 16 feet wide.

The entire parcel will be enclosed by a 6-foot high perimeter security chain-link fence. Pursuant to HAR §15-215-81, Variances, the Applicant is requesting a variance from the provisions of HAR §15-215-43(c), Architectural Standards – Fences, to allow a 6-foot high chainlink fence along Coral Sea Road.

## **IX. COMPLIANCE WITH HAR CHAPTER 215**

The proposed Development complies with the following applicable provisions of HAR Chapter 215, Kalaeloa Community Development District Rules (Kalaeloa Rules).

### Land Use and Zoning

Pursuant to HAR Chapter 215, Figure 1.2, Regulating Plan, the Project site is designated as T-2, Rural/Open Space Zone. Pursuant to HAR Chapter 215, Figure 1.7, Land Use, Solar Farm is a permitted use under Sustainability Uses.

### Building Height

Pursuant to the HAR Chapter 215, Figure 1.3, Development Standards Summary, the maximum height of structures is 28 feet. The proposed height of the arrays is approximately 6 feet, not to exceed 7 feet.

### Setbacks

Pursuant to HAR §15-215-81, Variances, the Applicant is requesting a variance from provisions of HAR Chapter 215, Figure 1.3 to reduce the front yard setback from a required 5 feet to 15 feet to be placed on the property line.

### Landscape

Pursuant to HAR §15-215-81, Variances, the Applicant is requesting variances from provisions of HAR §15-215-44, Landscaping, pertaining to landscaping and irrigation of required yards, since the applicant is proposing to place the fence on the property

line with no yard setback area. The Applicant is proposing a native landscape buffer with species such as ilima and maiapilo behind the chainlink fence.

#### Open Space

Pursuant to HAR §15-215-46, Open Space, required a minimum of 20% of each lot be provided as open space. The Applicant proposes 27.4 acres of open space, which comprises 62% of the Project site.

Due to the nature of the Project, with no active uses, floor area and buildings, the following provisions of HAR Chapter 215, are not applicable:

- HAR Chapter 215, Figure 1.3, Development Standards Summary, pertaining to Density
- HAR Chapter 215, Figure 1.3, Development Standards Summary, pertaining to Building Height
- HAR Chapter 215, Figure 1.3, Development Standards Summary, pertaining to Building Form
- HAR §15-215-38, Building Type
- HAR §15-215-39, Frontage Type
- HAR §15-215-41, Building Placement
- HAR §15-215-42, Building Form
- HAR §15-215-45, Recreation Space
- HAR §15-215-47, Parking
- HAR §15-215-47(1), Loading
- HAR §15-215-48, Green Building
- HAR §15-215-62, Large Lot Development
- HAR §15-215-64(a), Public Facilities Dedication
- HAR §15-216-17, Requirement for Reserved Housing

## **X. VARIANCE REQUEST**

Section HAR §15-215-81, Variances, provides for a mechanism for relief from the strict application of the Kalaeloa Rules. The Applicant is requesting the following three variances pursuant to HAR §15-215-81 of the Kalaeloa Community Development District Rules:

- HAR §15-215-43, Architectural Standards (c): Increase the height of the fence from 3 feet to 6 feet.
- HAR §15-215, Development Standards Summary, Figure 1.3: Place the fence on the property line without the required setback.
- HAR §15-215-44, Landscape: Eliminate the requirements for landscaping and automatic irrigation within the front yard area.

## **XI. PUBLIC TESTIMONIES**

At the time of submitting this report, HCDA staff has not received any public testimony on the Project.

### **Attachments:**

- Exhibit A: Development Permit Application - KAL 17-017
- Exhibit B: Certificate of Completeness and Automatic Approval Date
- Exhibit C: Notice of Public Hearing
- Exhibit D: SHPD Acceptance Letter
- Exhibit E: OEQC Notice of Determination